UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,178	07/17/2006	Srinivas Gutta	US040050	2753

24737 7590 12/28/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
PAUL, DISLER	

ART UNIT	PAPER NUMBER
2615	

MAIL DATE	DELIVERY MODE
12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,178	GUTTA, SRINIVAS	
	Examiner	Art Unit	
	Disler Paul	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/17/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,5,7-8,11,13-14,16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al. (US 6,766,176 B1).

Reclaim 1, the method for enhancing a usage of a telephone, the method comprising: receiving an incoming call and detecting an ambient noise level (fig.1,3-5; col.1 line 65 & col.2 line 7; col.4 line 12-17 & line 47-57); and enhancing the incoming call to make it more understandable by a recipient of the incoming call where the detected ambient noise level is greater than a predetermined threshold noise level (fig.3-5,10; col.8 line 7-40; col.14 line 15-48).

Re claim 2, the method of claim 1, wherein the enhancing comprises automatically amplifying a loudness of the incoming call to the recipient of the incoming call (fig.3 wt (118,114,115),4-5;col.14 line 15-47).

Re claim 5, the method of claim 1, wherein the telephone is a cellular telephone (fig.3; col.1 line 11-15).

Re claim 7, the telephone comprising: a receiver for receiving an incoming call and a noise sensor for detecting an ambient noise level (fig.3 wt (106,114)); and a processor for enhancing the incoming call to make it more understandable by a recipient of the incoming call where the detected ambient noise level is greater than a predetermined threshold noise level (fig.3-5,10; col.8 line 7-40; col.14 line 15-48).

Re claim 8, the telephone of claim 7, further comprising a speaker for reproducing the incoming call, wherein the processor automatically amplifies a loudness of the incoming call on the speaker where the detected ambient noise level is greater than the predetermined threshold noise level (fig.1,10; col.8 line 5-25).

Re claim 11, the telephone of claim 7, wherein the telephone is a cellular telephone (fig.3; col.1 line 11-15).

Re claims 13-14, 16-17 have been analyzed and rejected with respect to claims 1-2 respectively.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3-4,9-10, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 6,766,176 B1) and further in view of McIntosh (US 6,639,987 B2).

Re claim 3, the method of claim 1, However, Gupta et al. fail to disclose of the wherein the enhancing comprises converting the incoming call to text and displaying the text to the recipient of the incoming call. However, McIntosh disclose of a system wherein the enhancing comprises converting the incoming call to text and displaying the text to the recipient of the incoming call (fig.3 wt (18); col.3 line 55-63) for the purpose of enabling caller identification and other non-verbal means of communications. Thus, taking the combined teaching of Gupta et al. and McInstosh as a whole,

it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Gupta et al. by incorporating the enhancing comprises converting the incoming call to text and displaying the text to the recipient of the incoming call for the purpose of enabling caller identification and other non-verbal means of communications.

Re claim 4, the method of claim 1, wherein the enhancing comprises automatically amplifying a loudness of the incoming call to the recipient of the incoming call (fig.3 wt (118,114,115),4-5;col.14 line 15-47), However, Gupta et al. fail to disclose of the converting the incoming call to text and displaying the text to the recipient of the incoming call. However, McIntosh disclose of a system wherein the converting the incoming call to text and displaying the text to the recipient of the incoming call (fig.3 wt (18); col.3 line 55-63) for the purpose of enabling caller identification and other non-verbal means of communications. Thus, taking the combined teaching of Gupta et al. and McInstosh as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Gupta et al. by incorporating the converting the incoming call to text and displaying the text to the recipient of the incoming call for the purpose of enabling caller identification and other non-verbal means of communications.

Re claim 10, the telephone of claim 7, further comprising a speaker for reproducing the incoming call and wherein the processor automatically amplifies a loudness of the incoming call on the speaker and with the detected ambient noise level is greater than the predetermined threshold noise level (fig.1,3; col.8 line 7-40; col.14 line 15-48).

However, Gupta et al. fail to disclose of the wherein the display screen for displaying alphanumeric text to the recipient of the incoming call, converts the incoming call to text, and displays the text to the recipient of the incoming call. However, McIntosh disclose of a system wherein the display screen for displaying alphanumeric text to the recipient of the incoming call, converts the incoming call to text, and displays the text to the recipient of the incoming call (fig.3 wt (18); col.3 line 55-63) for the purpose of enabling caller identification and other non-verbal means of communications. Thus, taking the combined teaching of Gupta et al. and McInstosh as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Gupta et al. by incorporating the display screen for displaying alphanumeric text to the recipient of the incoming call, converts the incoming call to text, and displays the text to the recipient of the incoming call for the purpose of enabling caller identification and other non-verbal means of communications.

Re claim 9 has been analyzed and rejected with respect to claim 10.

Re claims 15, 18 has been analyzed and rejected with respect to claim 4,3 respectively.

5. Claims 6,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 6,766,176 B1) and further in view of Lowe (US 2004/0229568 A1).

Re claim 6, the method of claim 2 with the telephone system, However, Gupta et al. fail to disclose of the further comprising detecting whether a headphones is operatively connected to the telephone, wherein the amplifying is only carried out when the headphones are detected as being operatively connected. However, Lowe et al. disclose of a system wherein similar concept of comprising detecting whether a headphones is operatively connected to the telephone, wherein the amplifying is only carried out when the headphones are detected as being operatively connected (par[0043,0074]; fig.4 (50), fig.3/monitor headset to either signal with or without sound) for the purpose of providing entertainment on

the individual basis without distracting other customers around. Thus, taking the combined teaching of Gupta et al. and Lowe as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Gupta et al. by incorporating the concept of comprising detecting whether a headphones is operatively connected to the telephone, wherein the amplifying is only carried out when the headphones are detected as being operatively connected for the purpose of providing entertainment on the individual basis without distracting other customers around.

Re claim 12 has been analyzed and rejected with respect to claim 6 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

XU MEI
PRIMARY EXAMINER